

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective June 17, 2001 and Commission Rule 133.305, titled Medical Dispute Resolution-General, and 133.307, titled Medical Dispute Resolution of a Medical Fee Dispute, a review was conducted by the Medical Review Division regarding a medical fee dispute between the requestor and the respondent named above.

I. DISPUTE

1. a. Whether there should be additional reimbursement for date of service (DOS) 08/15/01?
b. The request was received on 05/14/02.

II. EXHIBITS

1. Requestor, Exhibit I:
 - a. TWCC-60
 - b. HCFAs
 - c. EOBs
 - d. Medical Records
 - e. Any additional documentation submitted was considered, but has not been summarized because the documentation would not have affected the decision outcome.
2. Based on Commission Rule 133.307 (g)(4), the Division notified the insurance carrier Austin Representative of their copy of the request on 07/08/02. The Respondent did not submit a response to the request. The "No Response Submitted" sheet is reflected in Exhibit II of the Commission's case file.
3. Notice of "Letter Requesting Additional Information" is reflected as Exhibit III of the Commission's case file.

III. PARTIES' POSITIONS

1. Requestor: none submitted
2. Respondent: none submitted

IV. FINDINGS

1. Based on Commission Rule 133.307 (d)(1&2), the only date of service eligible for review is 08/15/01.
2. The carrier's EOB has the denial code, C – NEGOTIATED CONTRACT as well as the denials UCR / FS REDUCTION & PPO REDUCTION listed for both CPT codes in dispute.

3. The following table identifies the disputed services and Medical Review Division's rationale:

DOS	CPT CODE	BILLED	PAID	EOB Denial Code	MARS	REFERENCE	RATIONALE:
08/15/01	22625-80	\$812.50	\$300.32	See findings #2 above	\$632.25 (25% of \$2529.00 MAR due to the -80 modifier)	Texas Workers' Compensation Act & Rules, Rule 133.304 (c); MFG, CPT & modifier descriptors	The EOB indicates the carrier made two reductions of the billed amount. The carrier took a \$15.81 PPO reduction (2.5% of the \$632.25 MAR) and also took what the EOB characterizes as a "FS REDUCTION" of \$496.37. Neither party submitted documentation that addresses the issue of a PPO contract. Also, Medical Review Division has no jurisdiction over such agreements. The Carrier filed no response to the medical dispute and its denial "FS REDUCTION" does not offer the provider sufficient explanation to allow the provider to respond to the reduction. The Carrier's denial does not meet the requirements of Rule 133.304 (c). Therefore, additional reimbursement of \$316.12 (\$632.25 MAR less the \$300.32 reimbursed and less the \$15.81 PPO reduction) is recommended.
08/15/01	22650-80	\$205.00	\$75.84	See findings #2 above	\$159.25 (25% of \$637.00 MAR due to the -80 modifier)	Texas Workers' Compensation Act & Rules, Rule 133.304 (c); MFG, CPT & modifier descriptors	The EOB indicates the carrier made two reductions of the billed amount. The carrier took a \$3.99 PPO reduction (2.5% of the \$159.25 MAR) and also took what the EOB characterizes as a "FS REDUCTION" of \$125.17. Neither party submitted documentation that addresses the issue of a PPO contract. Also, Medical Review Division has no jurisdiction over such agreements. The Carrier filed no response to the medical dispute and its denial "FS REDUCTION" does not offer the provider sufficient explanation to allow the provider to respond to the reduction. The Carrier's denial does not meet the requirements of Rule 133.304 (c). Therefore, additional reimbursement of \$79.42 (\$159.25 MAR less the \$75.84 reimbursed and less the \$3.99 PPO reduction) is recommended.
Totals		\$1017.50	\$376.16				The Requestor is entitled to additional reimbursement in the amount of \$395.54.

V. ORDER

Pursuant to Sections 402.042, 413.016, 413.031, and 413.019 the Medical Review Division hereby ORDERS the Respondent to remit \$395.54 plus all accrued interest due at the time of payment to the Requestor within 20 days receipt of this order.

This Order is hereby issued this 25th day of October 2002.

Larry Beckham
Medical Dispute Resolution Officer
Medical Review Division